

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

FILED
IN COURT
ASHEVILLE, N.C.

MAY 27 2009

U.S. DISTRICT COURT
W. DIST. OF N.C.

DOCKET NO. 1:09CR25

UNITED STATES OF AMERICA,)
)
Plaintiff,)
v.)
)
(6) TIMOTHY MICHAEL MARTIN,)
)
Defendant.)

**CONSENT ORDER AND
JUDGMENT OF FORFEITURE**

WHEREAS, the defendant TIMOTHY MICHAEL MARTIN has entered into a plea agreement (incorporated by reference herein) with the United States and has voluntarily pleaded guilty pursuant to Federal Rule of Criminal Procedure 11 to one or more criminal offenses under which forfeiture may be ordered;

WHEREAS, the defendant and the United States stipulate and agree that the property described below constitutes property derived from or traceable to proceeds of the defendant's offense(s) herein; property involved in the offenses, or any property traceable to such property; and/or property used in any manner to facilitate the commission of such offense(s); and is therefore subject to forfeiture pursuant to 18 U.S.C. § 924(d), 18 U.S.C. § 982, 18 U.S.C. § 1955(d), 21 U.S.C. § 853, 18 U.S.C. § 2253, 26 U.S.C. § 5872, and/or 28 U.S.C. § 2461(c);

WHEREAS, the defendant herein waives the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment against defendant;

WHEREAS, pursuant to Federal Rules of Criminal Procedure 32.2(b)(1) & (c)(2), the Court finds that there is the requisite nexus between the property and the offense(s) to which the defendant has pleaded guilty and/or that a personal money judgment in the amount of criminal proceeds may be entered and that the defendant has a legal interest in the property;

WHEREAS, the defendant withdraws any claim previously submitted in response to an administrative forfeiture or civil forfeiture proceeding concerning any of the property described below. If the defendant has not previously submitted such a claim, the defendant hereby waives all right to do so. If any administrative forfeiture or civil forfeiture proceeding concerning any of the property described below has previously been stayed, the defendant hereby consents to a lifting of the stay and consents to forfeiture;

WHEREAS, the undersigned United States Magistrate Judge is authorized to enter this Order by the previous Order of this Court No. 3:05MC302-C (September 8, 2005);

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

The following property ^{except for the weapons lined through} is forfeited to the United States:

Norinco, 7.62mm rifle, model NHM91, SN 9402602,
Italy, 6.5mm rifle, model M91, SN X08245,
~~Mossberg, 12 gauge shotgun, model 500AT, SN G267960,~~ TRA
Marlin, .22 caliber rifle, model 39A, SN N12683,
Ruger, .44 caliber revolver, model Super Blackhawk, SN 81-03772,
Dan Wesson Arms, .357 caliber revolver, model 15, SN 219825,
Beretta, 9mm pistol, model 92F, SN D35546Z,
Smith and Wesson, 9mm pistol, model 915, SN TZH6452,
Star, .22 caliber pistol, model F, SN 557960,
FIE, .22 caliber revolver, model T18, SN B34818,
Ruger, .44 caliber revolver, model Super Redhawk, SN 551-90275,
~~Ruger, .22 caliber pistol, model Mark II Target, SN 216-84070,~~ TRA TRA
Egypt, 9mm pistol, model Brigadier, SN obliterated,
Astra, 9mm pistol, model 1921, SN 76817,
Smith and Wesson, .38 caliber revolver, model 64, SN D800477,
High Standard, .22 caliber revolver, model Sentinel, SN 1910326,
Sporting Arms, .410 caliber shotgun, model Snake Charmer II, SN 54704,
Reck, .22 caliber derringer, SN 9971,
Smith and Wesson, .38 caliber revolver, model 64-2, SN 7D27031,
Taurus, .38 caliber revolver, model 85 Ultra Light, SN TC14357,
Spesco, .22 caliber revolver, model Falcon, SN 109422,
Lorcin, .380 caliber pistol, model L380, SN 115608,
Harrington and Richardson, .32 caliber revolver, SN none,
Tanfoglio, .22 caliber revolver, model TA76, SN A28974,
Winchester, 12 gauge shotgun, model 1300 Marine, SN L2765954,
Remington, .22 caliber rifle, model 597, SN 2646031,
~~Mossberg, 12 gauge shotgun, model 500A, SN J786706,~~ TRA TRA
Winchester, 12 gauge shotgun, model 1500XTR, SN NX009163,
Beretta, 12 gauge shotgun, model 1200, SN T00869E,
Maverick Arms, 12 gauge shotgun, model 88, SN MV32180D,
Remington, 12 gauge shotgun, model 10, SN 271973,
~~Browning, .270 caliber rifle, model BAR II Safari, SN 107NY05971,~~ TRA TRA
Mossberg, 12 gauge shotgun, model 835, SN UM310149,
Marlin, 32-20 caliber rifle, model 27-S, SN none,
Mossberg, 12 gauge shotgun, model 500A, SN J640504,
Rifle, .22 caliber rifle, model Mohawk 10C, SN 2403235,

Remington, 7mm rifle, model 700, SN T6252736,
Winchester, 7mm rifle, model 70XTR, SN G1796850,
Savage, .22 caliber rifle, model 62, SN L361727,
Savage, .270 caliber rifle, model 110, SN F383848,
Winchester, .22 caliber rifle, model 67-22, SN none,
Winchester, 7mm rifle, model 70, SN G2414118,
Marlin, .22 caliber rifle, model Glenfield 60, SN 19448564,
Winchester, sawed off rifle, model none, SN none,
Barrel length 7 1/8 inches overall length 13 1/8 inches,
Remington, .22 caliber rifle, model 512, SN none,
~~Ruger, .22 caliber rifle, model 10/22, SN 250-94465,~~ *TRA*
Ruger, .223 caliber rifle, model Ranch Rifle, SN obliterated,
Marlin, .22 caliber rifle, model 60, SN 17400769,
Savage, .22 caliber/ 20 gauge combination gun, model 24J-DL, SN none,
Zabala, 20 gauge shotgun, SN 77550,
Winchester, .22 caliber rifle, model 67, SN none,
Ithaca, 12 gauge shotgun, SN 240924,
Savage, 20 gauge shotgun, model 949C, SN C503061,
Remington, .22 caliber rifle, model Target Master 41, SN none,
Khan Shotguns, 12 gauge shotguns, model Silver Preserve, SN TR12014240,
Winchester, .22 caliber rifle, model 9422m, SN F126947,
Marlin, .22 caliber rifle, model 25MN, SN 06486210,
Ruger, .22 caliber rifle, model 10/22, SN 246-75210,
Winchester, 30-30 caliber rifle, model 94, SN 4129118,
Marlin, .22 caliber rifle, model Original Golden 39A, SN 22256737,
Winchester, 30-30 caliber, model 94AE, SN 5233708,
Savage, 20 gauge shotgun, model 94C, SN none,
Savage, .410 caliber shotgun, model 94C, SN none,
Iver Johnson, 16 gauge shotgun, model Champion, SN 9371C,
Winchester, 20 gauge shotgun, model 370, SN C206600,
Silencer -approximately 9.25" long 1.25" wide,
Leinad, 9mm pistol, model PM-11, SN 94-0024900,
Assorted ammunition,
and
\$3,000.00 in United States Currency.

The United States Marshal and/or other property custodian for the investigative agency is authorized to take possession and maintain custody of the above-described tangible property.

Upon the seizure of any property to satisfy all or part of the judgment, the United States shall, to the extent practicable, provide direct written notice to any persons known to have alleged an interest in the seized property, and shall publish notice of this forfeiture as required by 21 U.S.C. § 853(n) and the aforementioned Order of this Court No. 3:05MC302-C (September 8,

2005).

As to any firearms listed above and/or in the charging instrument, defendant consents to destruction by federal, state, or local law enforcement authorities upon such legal process as they, in their sole discretion, deem to be legally sufficient, and waives any and all right to further notice of such process or such destruction.


Any person, other than the defendant, asserting any legal interest in the property may, within thirty days of the publication of notice or the receipt of notice, whichever is earlier, petition the court for a hearing to adjudicate the validity of the alleged interest.

Following the Court's disposition of all timely petitions filed, a final order of forfeiture shall be entered, as provided by Fed. R. Crim. P. 32.2(c)(2). If no third party files a timely petition, this order shall become the final order and judgment of forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2), and the United States shall have clear title to the property, and shall dispose of the property according to law.


EDWARD R. RYAN
ACTING UNITED STATES ATTORNEY


JILL WESTMORELAND ROSE
Assistant United States Attorney


TIMOTHY MICHAEL MARTIN
Defendant


TONY E. ROLLMAN
Attorney for Defendant

Signed this the 25th day of May, 2009.


DENNIS L. HOWELL
UNITED STATES MAGISTRATE JUDGE